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S. Boyle  
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**Reply under 37 CFR 1.116  
Expedited Procedure  
Examining Group 3738**

**PATENT  
Attorney Docket 6006-018**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Boyle, Christopher T.  
SERIAL NO.: 09/716,146 EXAMINER: C. Miller  
FILING DATE: November 17, 2000 Group Art Unit: 3738  
TITLE: DEVICE FOR IN VIVO DELIVERY OF BIOACTIVE AGENTS AND  
METHOD OF MANUFACTURE THEREOF

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this document (along with any referred to as being attached or enclosed) are being facsimile transmitted to the U.S. Patent and Trademark Office, addressed to: Assist. Commissioner for Patents, Washington, DC 20231 on this the 4th day of April, 2003, ATTN: Examiner Cheryl L. Miller at (703) 305-3590.

*Lori Dunham*  
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Lori Dunham

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION (PAPER NO. 9)**

Dear Sir:

In response to the Final Office Action mailed February 12, 2003 (Paper No. 9), in which all pending Claims 2-10 and 12-25 were rejected, the following amendment and response is filed and the pending claims are suitable for allowance and is respectfully requested.

**AMENDMENTS**

**In the claims:**

Please cancel claims 2-10, 12-15, 17-19, and 21-25.

In re Appln No. 09/716,146

6006-018

Please add claims 26-28 as shown below.

26. (New) The endoluminal stent according to claim 16, wherein the structural elements further comprises a material selected from the group consisting of titanium, vanadium, aluminum, nickel, tantalum, zirconium, chromium, silver, gold, silicon, magnesium, niobium, scandium, platinum, cobalt, palladium, manganese, molybdenum and alloys thereof, including zirconium-titanium-tantalum alloys, nitinol, and stainless steel.

31 27. (New) The endoluminal stent according to claim 16, wherein the bioactive agent further comprises a pharmacologically active agent selected from the group consisting of antibiotic drugs, antiviral drugs, neoplastic agents, steroids, fibronectin, anti-clotting drugs, anti-platelet function drugs, drugs which prevent smooth muscle cell growth on inner surface wall of vessel, heparin, heparin fragments, aspirin, coumadin, tissue plasminogen activator, urokinase, hirudin, streptokinase, antiproliferatives, methotrexate, cisplatin, fluorouracil, adriamycin, antioxidants, ascorbic acid, beta carotene, vitamin E, antimetabolites, thromboxane inhibitors, non-steroidal and steroidal anti-inflammatory drugs, immunosuppressants, such as rapamycin, beta and calcium channel blockers, genetic materials including DNA and RNA fragments, complete expression genes, antibodies, lymphokines, growth factors, vascular endothelial growth factor and fibroblast growth factor, prostaglandins, leukotrienes, laminin, elastin, collagen, nitric oxide, and integrins.

28. (New) The endoluminal stent according to claim 16, wherein the void space comprises a plurality of independent internal cavities along the length.

### REMARKS

Although the Applicant contends with the Patent Office's rejections, in efforts to expedite allowance of claims in this application, the Applicant has cancelled claims 2-10, 12-15, 17-19, and 21-25 without prejudice and focus the Patent Office's attention to remaining independent claim 16 and the claims that depend from claim 16, claims 20 and 26-28. The Applicant reserves